

RESOLUTION NO. 02-311

A RESOLUTION APPROVING THE FCC FORM 394 APPLICATION FOR TRANSFER OF THE TIME WARNER ENTERTAINMENT/ADVANCE-NEWHOUSE CABLE TELEVISION FRANCHISE TO TWEAN SUBSIDIARY, LLC; AUTHORIZING ADVANCE-NEWHOUSE PARTNERSHIP TO BE THE SOLE MANAGER OF THE FRANCHISE; MAKING RELATED FINDINGS; PROVIDING INSTRUCTIONS TO THE CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS the Time Warner Entertainment/Advance Newhouse partnership (TWE-A/N) is a nation-wide cable television business which currently possesses a franchise from Manatee County to operate a cable television system within the County's jurisdiction; and

WHEREAS recently TWE-A/N announced that it would re-negotiate its partnership so as to provide for the creation of a holding company (herein "TWEAN Subsidiary, LLC," or "the LLC") to house certain franchises which would be financially tied to and managed by the Advance/Newhouse part of the partnership; and

WHEREAS one of the franchises to be transferred into the new LLC is the Manatee County franchise; and

WHEREAS on July 22, 2002, TWE-A/N filed an Application For Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise (FCC Form 394) with the County seeking permission to transfer the Manatee County franchise into the new LLC; and

WHEREAS The provisions in 47 U.S.C. § 537 of the United States Code and Manatee County Code § 2-7-22 govern transfers or assignments of cable television franchises; and

WHEREAS upon review of the application for consent (FCC Form 394) it appears that there will be a transfer and change in control of the Manatee County TWE-A/N franchise; and

WHEREAS the Board of County Commissioners of Manatee County find that the application and supporting materials demonstrate that the proposed transferee, the LLC, and A/N, the proposed manager of the franchises within that LLC, possess adequate financial, legal and technical qualifications to operate the cable television system in a manner consistent with the best interests of the citizens of Manatee County.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida that the Application For Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise (FCC Form 394), as filed by TWE-A/N on July 22, 2002, should be and same hereby is granted.

BE IT FURTHER RESOLVED that nothing herein shall be construed as granting any other sale, assignment or transfer of the franchise to any other person or entity, and that this approval is in reliance upon the Advance Newhouse Partnership (A/N) having managerial control of the franchise.

BE IT FURTHER RESOLVED that in the event that TWEAN Subsidiary, LLC, should be re-named, notification shall be provided to the County in writing but no further action will be required; but should TWEAN Subsidiary, LLC, ceases to exist, application will be required to transfer the franchise to another entity.

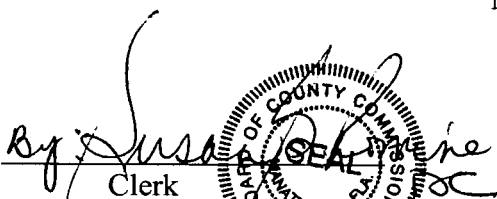
BE IT FURTHER RESOLVED that the Clerk provide copies of this Resolution to Time Warner Entertainment at the address(s) shown on its application.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

Adopted at a regular session of the County Commission held on the 5th day of Nov., 2002.



Amy Stein—Chairman
Manatee County Board of County Commissioners

Attest: 
Clerk

